UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

EXAMINER
BAYAT, BRADLEY B

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 December 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-32_ is/are rejected.

7)☒ Claim(s) _20-24_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _21 December 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☒ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _4/17/2002_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claims 1-32 are presented for examination on the merits. Applicant's preliminary amendment dated 20 April 2003 has been entered.

Claim Objections

Claims 20-24 are objected to because of the following:

- Applicant claims a "computer program" yet ends each claim by a dependence upon a method claim. It is confusing as to what the applicant is claiming with respect to each claim. Furthermore, the applicant should try to begin each claim indicating dependence on a prior claim, if applicable, for claim clarity and consistency.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Ginter et al., (hereinafter Ginter), U.S. 5,892,900.

As per the following claims, Ginter discloses:

1. A network device for connection in a communication path of a network includes a controller operable to detect a predetermined tag within content passing along the path and to report said

detection together with information identifying a sender and/or recipient of said content (column 21, line 40-column 28, line 63 and corresponding figures).

2. A method of monitoring content transmitted over a network comprises detecting a predetermined tag within content passing through the network and reporting said detection together with information identifying a sender and/or recipient of said content (column 21, line 40-column 28, line 63 and corresponding figures).

3. A computer program product for carrying out the method according to claim 2 comprising: a computer readable medium; program code in said computer readable medium for detecting a predetermined tag within a content passing through a network; program code in said computer readable medium for reporting said detection together with information identifying at least one of the following: a sender of said content, a recipient of said content ((column 21, line 40-column 28, line 63 and corresponding figures; column 37, line 14-column 38, line 35).

4. A system for monitoring the transmission of content between networked terminals comprises, a network device located in a communication path of a network and a monitoring center connected to said device wherein a controller included in said device is operable to detect a predetermined tag within content in said path and to report said detection together with information identifying a sender and/or recipient of said content to said center (columns 37-38).

5. A system as claimed in claim 4, wherein the monitoring center is operable to receive reports

from a plurality of networks each having at least one controller (column 40).

6. A system as claimed in claim 4, further including a billing entity connected to said center

(figure 3 and associated text).

7. A revenue collection system for collecting revenue due on content passing through a network,

comprises a network device located in a communication path of said network and a monitoring

center connected to said network device wherein said network device is operable to detect a

predetermined tag within content in said path and to report said detection together with

information identifying a sender and/or recipient of said content to said center, the center being

operable to issue a request to a billing entity to carry out a transaction in relation to said sender

and/or recipient (figures 3, 4, 45-49 and associated text).

8. A system as claimed in claim 7 wherein the transaction comprises debiting an account of said

sender and/or recipient (column 316, line 53-column 317, line 13)

9. A system as claimed in claim 7, wherein said information includes a network identity such that

said center issues said request to a billing entity responsible for said identified network (columns

315-318).

10. A revenue collection method for collecting revenue due on predetermined content

transmitted over a network comprises detecting said predetermined content, obtaining an address

of a sender and/or recipient of said content and requesting a billing entity to carry out a
transaction in relation to said sender and/or recipient (columns 293-298).

11. A method as claimed in claim 10, wherein said transaction comprises debiting an account of
said sender and/or recipient (column 316, line 53-column 317, line 13)

12. A method as claimed in claim 10, including the preliminary step of determining which
content revenue is to be collected by associating a tag with said content prior to making it
available for transmission (columns 295-296).

13. A method as claimed in claim 12, wherein said predetermined content is captured on a data
carrier (figures 69 and associated text).

14. A method of transmitting a message incorporating content including an embedded tag from a
terminal connected to a network comprises, obtaining content, placing said content into a
payload portion of said message, and transmitting said message over a network including a
device as claimed in claim 1 (columns 95-96).

15. A method as claimed in claim 14, wherein the content is obtained by downloading from a
server (figure 2 and associated text).

16. A method as claimed in claim 14, wherein the content is obtained from a data carrier by

uploading from a suitable player (figures 7, 8 and associated text).

17. A method as claimed in any one of claim 14, wherein said message comprises one or more packets (columns 105-107).

18. A method as claimed in claim 17, wherein said tag is embedded to at least one of the packets (columns 105-107)

19. A method of creating content for controlled distribution over a network comprises, generating content, determining a right holder and updating a corresponding right holder record with details of said content and associating a tag with said content wherein said tag is detectable by a device as claimed in claim 1 (columns 107-109).

Claims 20-32 are substantially similar to the above claims and are rejected as above.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The

examiner can normally be reached on Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bbb

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600